

**United States District Court**

for the

**Eastern District of Washington**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**Oct 01, 2021**

SEAN F. MCAVOY, CLERK

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Tustuji Matu Wakauwn Case Number: 0980 2:12CR06060-EFS-1

Address of Offender: Spokane, Washington 99207

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: July 9, 2013

Original Offense: Distribution of a Controlled Substance, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison - 100 months; Type of Supervision: Supervised Release  
TSR - 48 months

Amended Sentence: Prison - 78 months;  
(12/13/2017) TSR - 48 months

Asst. U.S. Attorney: Alexander Carl Ekstrom Date Supervision Commenced: January 14, 2019

Defense Attorney: Amy Rubin Date Supervision Expires: January 13, 2023

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**PETITIONING THE COURT**

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	<p><b><u>Standard Condition # 3:</u></b> The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.</p> <p><b><u>Supporting Evidence:</u></b> It is alleged that Tustuji Matu Wakauwn violated the terms of supervised release by not answering truthfully inquires by the probation officer related to law enforcement contact, on or about September 29, 2021.</p> <p>On January 14, 2019, supervision commenced in this matter. On that same day a supervision intake was completed with Mr. Wakauwn. His judgment was reviewed with him. He signed a copy of his judgment acknowledging an understanding of the conditions imposed by the Court, to include standard condition number 3, noted above.</p> <p>On September 28, 2021, a drive-by shooting occurred in Spokane, Washington. Mr. Wakauwn was a suspect in the shooting and was questioned by law enforcement as a result. On September 29, 2021, the U.S. probation officer (USPO) questioned him regarding the law enforcement contact. Mr. Wakauwn advised the law enforcement contact was related to his vehicle being stolen.</p>

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It should be noted that prior to September 28, 2021, Mr. Wakauwn had not reported his vehicle stolen. When contacted by law enforcement about the drive-by shooting, Mr. Wakauwn advised law enforcement that the shooting occurred after he had located his vehicle that was stolen several days prior. He advised law enforcement that he did not previously report his vehicle as stolen due to his dislike of law enforcement. Mr. Wakauwn did not disclose to the USPO that he was questioned about the shooting.

- 2        **Standard Condition # 2:** The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.

**Supporting Evidence:** It is alleged that Tustuji Matu Wakauwn violated the terms of supervised release by failing to report to the probation office, on or about September 30, 2021.

On January 14, 2019, supervision commenced in this matter. On that same day a supervision intake was completed with Mr. Wakauwn. His judgment was reviewed with him. He signed a copy of his judgment acknowledging an understanding of the conditions imposed by the Court, to include standard condition number 2, noted above.

On September 30, 2021, in response to Mr. Wakauwn being named as a suspect in a drive-by shooting incident that occurred on September 28, 2021, the undersigned sent Mr. Wakauwn a text message, as well as an email, directing him to report to the probation office that same day.

Mr. Wakauwn failed to report as directed.

- 3        **Special Condition # 16:** The defendant shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.

**Supporting Evidence:** It is alleged that Tustuji Matu Wakauwn violated the terms of supervised release by failing to appear for a drug test, on or about September 30, 2021.

On January 14, 2019, supervision commenced in this matter. On that same day a supervision intake was completed with Mr. Wakauwn. His judgment was reviewed with him. He signed a copy of his judgment acknowledging an understanding of the conditions imposed by the Court, to include special condition number 16, noted above.

On September 30, 2021, in response to Mr. Wakauwn being named a suspect in a drive-by shooting incident that occurred on September 28, 2021, the undersigned sent Mr. Wakauwn a text message, as well as an email, directing him to report to Pioneer Human Services for a drug test that same day.

Mr. Wakauwn failed to appear for a drug test as directed.

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The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the offender to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10/01/2021

s/Melissa Hanson

Melissa Hanson  
U.S. Probation Officer

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## THE COURT ORDERS

- ☐ No Action  
☒ The Issuance of a Warrant  
☐ The Issuance of a Summons  
☐ Other



Signature of Judicial Officer

October 1, 2021

Date